

German Patent and Trademark Office

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Applicant/Proprietor: AUTONETWORKS
Technologies, Ltd. et al.

Your ref: A 5309--py/tr

To Müller-Boré & Partners
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Examination Request payment date 27 September 2007

Submission dated: received:

The continued examination of the abovementioned patent application has led to the result stated below.

Term allowed for comment:

four months.

The term starts with the day following the date of receipt of this office action (19 March 2009).

☒ This office action cites the following references for the first time (the same numbering will be used throughout the rest of the procedure):

(1) DE 11 2004 002 347 T5

(2) EP 1 319 686 A2

(3) EP 0 871 181 A1

(4) WO 97/05206 A1

I. Applicable are the items received 7 June 2006, featuring the current claims 1-5. Printed publications (1) - (4) are cited as prior art.

With respect to the searched prior art, the subject matter of the current main claim has been novelty-destroyingly described before.

II. a)

The current set of claims does not meet the requisite criteria of unity under section 34 of the German Patents Act. In addition to a resin composition being claimed, independent, coordinate claims 3, 4 and 5 are to an insulated wire and a wiring harness. These contain further technical features (particularly the wiring harness) which are no longer in a necessary technological relationship with the actual, generally worded, resin composition as a chemical product (cf. Schulte, commentary on the German Patents Act [in German], 8th edition, section 34 margin note 250). Unity would appear to have to be established in a suitable manner. Formally, claims 3-5 would be admissible as use claims.

The crosslinked composition is characterized by components (A) - (E), but these are the components which were evidently present prior to crosslinking. After crosslinking, it is no longer certain that these are present in the original form. A change in the wording to "...prepared from..." or "...obtainable by crosslinking of..." within the framework of the original disclosure would appear to be necessary.

The term "organo-functional coupling agent" does not contain sufficiently clear technical teaching for a person skilled in the art. A coupling agent has no intrinsic properties which make it a coupling agent, but it only develops these properties in conjunction with other surfaces. Since it is unclear between which surfaces the coupling agent is supposed to act at all (between polymers, or else between the metallic hydrates) it would appear that this term would have to be specificized in the main claim as an essential characterizing part of the invention.

b)

Printed publication (1), which is due to the Applicant itself and must be considered prior art within the meaning of section 3 subsection 2 (3) of the German Patents Act already disclosed, at the date of filing, a polymer composition having the present application components (A), (B), (C), (D) and

(E) (claims 1, 6, [0027]-[0028], [0034], [0036], [0044]-[0047], [0053]-[0060]). In fact, component (A) of (1) corresponds to component (B1) of the present application, component (B) corresponds to (C), component (E) contains the zinc compounds ([0047]), and polyethylenes as per component (A) are recited under additionally usable polymers. By way of coupling agents, there is an explicit mention of a silane coupling agent ([0036]). The combination of (A), (B1), coupling agent according to the present application has thereby already been described in a manner prejudicial to novelty.

Printed publication (2) mentions flame-retardant compositions of polyethylene, further polymers and also modified versions of these polymers, zinc compounds and coupling agents (claims 1-2, [0017], [0030]-[0052]). In effect, component (a) of (1) corresponds to component (A) of the present application, component (b1) corresponds to (B2 and B3), component (b2) corresponds to (B4), (c1) and (c2) correspond to the acid-modified versions of (B2) and (B3), (d) corresponds to (C). The further additives mentioned explicitly include zinc compounds (page 5 line 54). Silane coupling agents are mentioned under the possible modifiers for (d) and also under the further admixtures (page 5 lines 39-40, 54). The present application combinations of (A) with (B2), (B3), (B4) in the version with acid-modified polymeric admixture as well as with coupling agent admixture are novelty-destroyingly anticipated by (2). Wires and wiring harnesses are likewise explicitly mentioned in (2) (claims 6-7).

Printed publication (3) discloses a resin composition for wire insulations, which is composed of polyethylene, further polyolefins and acid-modified polyolefins and additionally contains metal hydrates, zinc compounds and coupling agents (claims 1-13, page 3 line 3 - page 4 line 21). In effect, components (a) and (c) correspond to component (B1) of the present application, (b) corresponds to (A), (d) corresponds to the acid-modified version of (B1), (E) corresponds to (C). Zinc compound and coupling agent are explicitly recited (page 4 lines 15, 18). The present application combinations (A), (B1) not only with acid-modified polymer but also with coupling agent are therefore anticipated by (3) in a manner prejudicial to novelty.

Finally, printed publication (4) mentions compositions of low density polyethylene, an olefin-vinyl or acrylic ester polymer, zinc compounds and

silane coupling agents (claim 1). With regard to the PE, it is true, a different density range is claimed, but it has to be considered immediately obvious to a person skilled in the art proceeding from one of the compositions as per (2) or (3) when looking for similar compositions to be optimized to consider also those as per (4) and to arrive at the subject matter of the application by mere combining.

The quantitative ratios in the references cited approximately correspond also to the values employed in the application, so that likewise no novelty can be established in this way.

Claims 1-5 in their current form must be considered as previously described in a manner prejudicial to novelty.

The Applicant would be advised to restrict the subject matter to combinations of components that are not anticipated by the prior art and that are not rendered obvious by a combination of (2) and (3) (both for wire insulations), so that the involvement of an inventive step can be credibly demonstrated.

- III. On the basis of current claims 1-5 it would appear to be impossible to hold out any prospect of grant.

Further prosecution of the application would require new claims which meet the observations in II., which are novel over the prior art and for which it can be demonstrated that they involve an inventive step.

Otherwise, rejection of the application is likely.

If no substantive response is intended, an informal acknowledgement of receipt of this Examination Report would be appreciated.

Examining Section for Class C08L

[signed]

Dr. M. Dörr/extension: 4242

Enclosures: Photocopies of printed publications (1) - (4)